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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,112	11/09/1998	SHMUEL SHAFFER	98P7917US	5131

7590 03/17/2005

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER

HOM, SHICK C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/189,112	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shick C Hom	2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10, 18 and 21-32 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-17, 19, 20 and 33 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 14, 17, 19-20, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Doshi et al. (6,529,499).

Regarding claims 1, 14, 33:

Doshi et al. disclose the telecommunications system, comprising: a private branch exchange (PBX) coupled to a local

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area network (LAN) (see col. 1 lines 12-51 which recite the private branch exchange coupling the network), said PBX including a telephony feature access (TFA) gateway; a server coupled to said local area network, said server configured to provide call processing via said LAN and configured to monitor bandwidth usage of calls it has processed on said LAN (see col. 5 lines 49-64 which recite the telephony gateway and server monitoring compliance with the traffic assumptions used in call set-up signaling); one or more telephony devices operably coupled to said TFA gateway for call processing of calls on said LAN; one or more second telephony devices operably coupled to said server for call processing of calls on said LAN (see col. 9 lines 3-37 which recite the gateway for call processing); and means associated with said server for accounting for bandwidth requirements of said one or more telephony devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for said one or more second telephony devices (see col. 1 line 54 to col. 2 line 9 which recite the server being utilized to maintain bandwidth capacity data for each path segment within the network and to forward the bandwidth capacity data to the gateway for the purpose of providing a quality of service guarantee for voice traffic).

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Regarding claim 2:

Doshi et al. disclose said server being an H.323 compatible server (see col. 3 lines 13-42 which recite the use of H.323 protocol for session management).

Regarding claim 4:

Doshi et al. disclose said accounting means including means for preventing a call being processed by said server on said LAN (see col. 9 lines 54-64 which recite the call request being rejected if capacity is not available over the paths).

Regarding claim 5:

Doshi et al. disclose wherein said one or more second telephony devices coupled to said server for call processing are able to communicate with said H.323 server (see col. 4 line 58 to col. 5 line 17 which recite the use of H.323 SIP for tracking calls).

Regarding claim 17:

Doshi et al. disclose the TFA client that is H.323 compliant but receives call functions from said TFA gateway and PBX (see col. 4 line 58 to col. 5 line 17 which recite the use of H.323 protocol and col. 5 lines 49-64 which recite the signaling gateways used to support telephony between PCs, i.e. the client).

Regarding claims 19, 20:

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Doshi et al. disclose wherein a TFA client is configured to provide a call request to said gatekeeper and, if said gatekeeper determines that bandwidth is available, provide a subsequent call request to said TFA gateway (see abstract which recite the determination to accept or reject traffic based upon available bandwidth capacity and col. 5 lines 49-64 which recite the signaling gateways used to support telephony between PCs, i.e. the client).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to

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point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3, 6-7, 11-13, 15-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al. (6,529,499) in view of Vaziri et al. (6,377,570).

Regarding claims 12-13:

Doshi et al. disclose wherein said ToL server is H.323 compatible (see col. 3 lines 13-42 which recite the use of H.323 protocol for session management).

Regarding claims 3, 6-7, 11, 15-16:

For claims 3, 6-7, 11, 15-16, Doshi et al. disclose the telecommunications system described in paragraph 3 of this office action. Doshi et al. disclose all the subject matter of the claimed invention with the exception of wherein the accounting means including means associated with said server for aborting a call being processed by said PBX.

Vaziri et al. from the same or similar fields of endeavor teach that it is known to provide wherein the accounting means including means associated with said server for aborting a call

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being processed by said PBX (see col. 15 lines 59 to col. 16 line 27 which recite the step aborting the connection if bandwidth is not available). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein the accounting means including means associated with said server for aborting a call being processed by said PBX as taught by Vaziri et al. in the telecommunications system of Doshi et al. The accounting means including means associated with said server for aborting a call being processed by said PBX can be implemented by including the means for aborting a call of Vaziri et al. into the server of Doshi et al. The motivation for including means associated with said server for aborting a call being processed by said PBX as taught by Vaziri et al. in the telecommunications system of Doshi et al. being that it provides more efficiency for the system since the system can better prevent congestion at the receiving end.

***Allowable Subject Matter***

7. Claims 9, 10, 18, 21-32 are allowed.

8. Claim 8 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.



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**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bigham et al. disclose an access subnetwork controller for video dial tone networks.

Lightfoot et al. disclose a level 1 gateway controlling broadband communications for video dial tone networks.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



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PATENT ATTORNEY